

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	
)	4:05CR3138
v.)	
)	
EMANUEL CARLOS CAMACHO,)	
RANDY A. KNAUB, JEFFREY)	ORDER DECLARING A MISTRIAL AND
LEONARD ROMERO,)	SCHEDULING A RETRIAL
)	
Defendants.)	
_____)	
)	

Because of my making a finding in the presence and hearing of the jury at the trial of this case that was not consistent with the procedure enunciated in *United States v. Bell*, 573 F.2d 1040 (8th Cir. 1978), and probably was prejudicial to the defendants, I have declared a mistrial today. After consultation with all counsel, it was agreed that because of the schedules of counsels, the difficulties in procuring the attendance of witnesses and the imminence of the Christmas and New Years holidays, the trial should be continued to March 5, 2007. The ends of justice served by taking such action do outweigh the best interest of the public and the defendant in a speedy trial. The reassembly of the numerous witnesses, some of whom are from out of state, the disruption of the schedules of the attorneys involved in the case, the intrusion into plans of prospective jurors during the holiday season, the lack of urgency of a retrial from the public's point of view because the defendants are on pretrial release are the reasons for my finding that the ends of justice served by the granting of such a continuance outweigh the best interests of the public and the defendants in a speedy trial. No defendant has asked for an earlier trial than that agreed to by the attorneys.

IT IS ORDERED that the trial is continued to March 5, 2007, at 9:00 a.m. for a period of

five to seven days. The time from now until March 5, 2007, shall be excluded in computing the time within which trial must begin for the reasons stated above.

Dated December 5, 2006.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge